



MEMORANDUM  
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RTC  
Agenda Item No. 5A

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Regional Transportation  
Committee

DATE: February 13, 2012

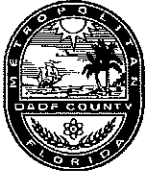
FROM: Christopher Agrippa, Division Chief  
Clerk of the Board Division

SUBJECT: Approval of Commission  
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Regional Transportation Committee:

January 9, 2012

Attachment  
CA/jm



Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

## CLERK'S SUMMARY OF

### Meeting Minutes

#### Regional Transportation Committee

Bruno A. Barreiro (5) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Audrey M. Edmonson (3), Sally A. Heyman (4), Dennis C. Moss (9), and Javier D. Souto (10)

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**Monday, January 9, 2012**

**9:30 AM**

**COMMISSION CHAMBERS**

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**Members Present:** Bruno A. Barreiro, Audrey M. Edmonson, Sally A. Heyman, Javier D. Souto, Xavier L. Suarez.

**Members Absent:** None.

**Members Late:** Dennis C. Moss 10:06:00 AM.

**Members Excused:** None.

**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Judy Marsh, Commission Reporter*  
305-375-1967

**1A MOMENT OF SILENCE**

**1B PLEDGE OF ALLEGIANCE**

**Report:** *A moment of silence was observed, followed by the Pledge of Allegiance.*

**1C ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayor/County Manager Alina Hudak; Deputy Mayor Jack Osterholt; Assistant County Attorneys Bruce Libhaber and David Murray; and Deputy Clerks Doris Dickens and Judy Marsh.*

*Commissioner Jordan was also present.*

*Chairman Barreiro called the meeting to order at 9:48 a.m.*

*Assistant County Attorney Bruce Libhaber noted Agenda Item 3B was added to today's (1/9) agenda.*

*Commissioner Edmonson requested the 3-day rule be invoked on Agenda Item 3B.*

*It was moved by Commissioner Heyman that the January 9, 2011 Regional Transportation Committee Agenda be approved with the exception of Item 3B which was 3-day ruled. This motion was seconded by Commissioner Suarez, and upon being put to a vote, passed by a vote of 5-0 (Commissioner Moss was absent).*

**1D SPECIAL PRESENTATIONS**

1D1

**112678 Service Awards****Joe A. Martinez**

PRESENTATION OF SERVICE AWARDS TO THE  
FOLLOWING EMPLOYEES:

*Presented*

DOUGLAS G. JORGE - AVIATION - 30 YEARS  
WENDY AWES - MDT - 30 YEARS  
LOURDES CAMPOS - MDT - 30 YEARS  
RAYMOND F. MC KENNA - MDT - 30 YEARS  
IVOR MYERS - MDT 30 YEARS  
BARBARA ROBINSON - MDT - 30 YEARS

**1E DISCUSSION ITEMS**

1E1

## 112698 Discussion Item

Sally A. Heyman

DISCUSSION RE: OPA-LOCKA AIRPORT

*Presented*

**Report:** Assistant County Attorney Bruce Libhaber read the foregoing discussion item into the record.

Chairman Barreiro noted he had received many emails regarding commercial aviation at Opa-locka Executive Airport. He noted this issue was not on today's (1/09) agenda, and only audit issues would be discussed.

Chairman Barreiro recognized former Congresswoman Carrie Meek and former Congressman Kendrick Meek. He also recognized former County Commissioner Jimmy Morales.

Commissioner Heyman recognized Mayor Michael Pizzi, Town of Miami Lakes.

Commissioner Heyman said today's (1/09) discussion was in response to an Audit and Management Services (AMS) Department audit regarding Opa-locka Airport Development Leases. She noted she met with AMS Director Cathy Jackson; Aviation Director Jose Abreu; and Assistant County Attorney David Murray regarding these concerns. Commissioner Heyman noted Opa locka Airport was an exceptional venue which had never reached its full potential. She referenced Kendall Tamiami Airport, noting it made significant operational changes and was now operating in the black.

Commissioner Heyman noted jet service owners in her District were now doing business in Broward County because they were unable to accomplish anything at Opa-locka Airport.

Mr. Miguel Southwell, Deputy Director, Miami-Dade Aviation Department, expressed appreciation to Commissioners Heyman and Jordan, and other County Commissioners who worked tirelessly over the past five years on issues involving Opa-locka Airport.

Mr. Southwell said the audit mainly focused on one particular lease at Opa-locka Airport involving 20 tenants prior to the lease assignment. He noted a determination needed to be made as to whether existing tenants had the proper authority to occupy space at the Airport.

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Mr. Southwell said the affected leases were defined by the Federal Aviation Administration (FAA) as "Corrective Action Plans." He noted 95 percent of the issues were addressed, and approximately 30 derelict airplanes would be demolished by the end of the first quarter, except for those that owners were paying to store.

Mr. Southwell said Administration was seeking to develop Opa-locka Airport as a commercial airport with strict compliance. He noted in the last four years, over \$127 million in private cash was invested in Opa-locka Airport to develop new facilities, as well as an additional \$16 million from the public sector. By comparison, he noted \$2 million was invested in Perry Airport, and no investments in Fort Lauderdale Executive Airport were made within the same timeframe. Mr. Southwell said although Kendall-Tamiami Airport was not included in the audit, it was also doing extremely well with \$4 to \$5 million in new investments.

Mr. Southwell noted the audit cited a finding for additional controls at Opa-locka due to the Airport's rapid growth. He said the Department was taking appropriate action to ensure tenants were complying with their leases. Mr. Southwell said the audit also found little development at Opa-locka; however, the FAA would not allow the Department to extend any of the leases if developers missed their milestones. He noted the Aviation Department was focusing on creating an environment to assist developers meet their milestones.

Responding to Chairman Barreiro's comment that he considered Opa-locka a full-time business aviation rather than a commercial airport, Mr. Southwell clarified that airport development consisted of aviation (hangars and terminals); and non-aviation or commercial development (warehouses, gas stations, etc.). He noted that commercial development did not refer to commercial flights.

Referring to Mr. Southwell's statement regarding Opa-locka as a commercial airport with strict compliance, Commissioner Heyman said that airlines such as American and Delta would not establish new routes at Opa-locka.

Commissioner Heyman asked Mr. Southwell to expound on his comment regarding enforcement without interference. Mr. Southwell responded

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that the Aviation Department was scheduled to review the Opa-locka Airport facilities annually; however, some tenants perceived this to be a violation of their agreement.

Commissioner Heyman noted she met with First Assistant County Attorney Abigail Price-Williams and Assistant County Attorney David Murray regarding issues referenced in the audit: expired leases, trespassing, no ownership items, land use violations, unauthorized services, unpaid deposits and outstanding balances. She said that in response to the AMS audit and the Aviation Director's comments, some people opined that the County was being selective in its enforcement and compliance at Opa-locka Airport. Commissioner Heyman requested that Assistant County Attorney Murray respond to these issues.

Assistant County Attorney Murray advised Committee members that the County had assigned its right as landlord to the third parties in the Opa-locka lease agreements. He noted landlords had obligations regarding property maintenance; building permits; environmental regulations; derelict aircrafts; and authorized activities on their facilities. Mr. Murray said the County had the right to place the developer/landlord on notice of default for failing to comply with their obligations; the County could terminate the leases in their entirety for failure to make payments in the event of a default; and the County had the right to take back property that was not developed. He noted that he was prepared to work with staff and the County Commission to file the appropriate action(s) to protect the County.

In response to Commissioner Heyman's inquiry regarding any existing procedures to address non-compliance issues with tenants without declaring default on the landlord, Assistant County Attorney Murray noted the leases typically contemplated a relationship between the County and the developer; and a second relationship between the developer and their tenants. He noted the County would not normally be involved in the relationship between developers and their tenants. Mr. Murray said in the event a developer was not forcing its tenants to comply with the developer's obligations under a lease, the County's remedy would be against the developer. He noted the County needed to partner with the developers to ensure they were evicting tenants who had not paid; and that they were taking action to ensure tenants were compliant. Assistant County Attorney Murray

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*commented that the two developers present today (1/09) were in compliance.*

*Commissioner Heyman noted the County controlled Opa-locka Airport and would take appropriate action to bring tenants into compliance if the landlords could not.*

*Chairman Barreiro acknowledged Commissioner Jordan's presence.*

*Aviation Director Jose Abreu noted both Opa-locka and Kendall Tamiami Airports were operating in the black.*

*Commissioner Suarez echoed Commissioner Heyman's concerns regarding performance issues at Opa-locka Airport. He referenced a letter dated January 4, 2012, directed to Commissioner Heyman and Commissioner Jordan regarding a total investment of \$45 million at Opa-locka, including a small engine test facility of approximately \$12 million. He also referenced a letter from Beacon Council President Frank Nero regarding a floating, transferable foreign trade zone license that could possibly be awarded to Opa-locka Airport. Commissioner Suarez noted he asked Commissioner Jordan to schedule a Sunshine Meeting which he believed was tentatively set for February 6, 2012 to discuss this issue. Commissioner Suarez said he was also informed that Mr. Jeff Sofer was developing substantial portions of Opa-locka Airport. He noted Opa-locka Airport was ideally located to the Port of Miami by truck and possibly by rail. Commissioner Suarez said it was possible that many of the airplanes at Opa-locka were not in good repair and were subject to FAA violations.*

*Commissioner Jordan noted one of her first priorities as an elected official in 2004 was the development of Opa-locka Airport. She expressed appreciation to the County Commission for approving the allocation of property at Opa-locka Airport to the Meek Foundation, and noted the Foundation's developers would be presenting plans in the future. Commissioner Jordan said she wanted to ensure the County was apprised of issues pertaining to Opa-locka before the triggers for AA Acquisitions and for the Meek Foundation became effective in 2014 and 2017.*

*Commissioner Jordan said that commercial aviation at Opa-locka Airport was not being considered, and even if it was, she would not be*

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supportive. She noted that she would be meeting with representatives of AA Acquisitions and the Meek Foundation, and was working with tenants to address their concerns. Commissioner Jordan said while there were still other things that could be done, she was stunned by the comments that little development was occurring at Opa-locka. She expressed her desire for this Airport to move forward aggressively and to respond to the leaseholders' issues. Commissioner Jordan noted the rental discrepancy issue needed to be resolved.

Commissioner Moss recommended this item be presented to the Committee annually to apprise Committee members of the status of Opa-locka Airport, and to give the developers an opportunity to report on their issues/efforts regarding development at this Airport. He acknowledged the County needed to work with the developers.

Chairman Barreiro opened the meeting for public hearing.

Commissioner Heyman requested a point of personal privilege to recognize former Congressman Kendrick Meek. She expressed appreciation to Congressman Meek on behalf of Miami-Dade County for sponsoring legislation in 2006 to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act. Commissioner Heyman noted this would have cost Miami-Dade County between \$60 million to \$70 million annually and the State of Florida over \$300 million.

Mr. Joe Natoli, 310 South Parkway, Golden Beach, noted he recently completed a 12,000 square foot hangar at Opa-locka Airport. He noted he believed Opa-locka had a bright future; however, expressed concern regarding delays in obtaining development leases. Speaking as a support volunteer for the Airplane Owners and Pilot Association for Opa-locka, Mr. Natoli asked to include general aviation in future plans.

Mr. Michael Silver, 1482 Victoria Isle Drive, Weston, CBRE Commercial Real Estate Brokerage Firm, appeared before the Committee. He acknowledged the presence of Mr. Richard Levinson, Mr. Andrew Lair, and Mr. Chris Wood, CBRE. Mr. Silver said CBRE was hired by the Carrie Meek Foundation to secure joint venture developers and users to occupy space at Opa-locka Airport. He noted they met with Mr. Miguel Southwell and Mr. Greg Owens, Aviation



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Department, to gather information on the Airport. Mr. Silver said CBRE had developed a website and brochures, and was working with the architecture firm of Leo and Daly to generate an industrial park preliminary plan to market to joint venture developers and users.

Former Congressman Kendrick Meek, 14441 NW 13 Court, Miami, expressed appreciation to Chairman Barreiro for allowing the public hearing. He also expressed appreciation to the Committee members as well as Commissioner Jordan for their concerns. Speaking on behalf of the Carrie Meek Foundation, Congressman Meek noted Congresswoman Meek had requested him to play a stronger role in the Foundation's operations. He noted he supported transparency and concurred with Commissioner Moss' request that this issue be discussed annually. Congressman Meek said he looked forward to attending the Sunshine Meeting and to some of the issues to be addressed including lease disparities. He noted he also looked forward to working with CBRE and the Aviation Department.

Mayor Michael Pizzi, Town of Miami Lakes, expressed appreciation to the Committee for clarifying that commercial aviation at Opa-locka Airport was not being considered. He noted he sent a note to Miami Lakes' residents informing them that rumors of commercial aviation at Opa-locka were false.

Commissioner Heyman expressed appreciation to everyone. She noted that she requested a resolution be prepared under her sponsorship requiring the County Mayor or his designee to present a report on a quarterly basis to this Committee on development activities at Opa-locka Airport. She requested, and Commissioner Jordan accepted, to be listed as a Co-Prime Sponsor to this proposed resolution.

Commissioner Moss asked to be listed as a co-sponsor to Commissioner Heyman's proposed resolution.

Commissioner Heyman asked Assistant County Attorney David Murray to meet with the two landlords or acting landlords at Opa-locka Airport to discuss the Committee's concerns regarding compliance and violations, and to discuss the possibility of collecting money owed by existing tenants dating back to 2008.

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*Commissioner Heyman asked Deputy Mayor/County Manager Alina Hudak to investigate issues causing delays with development leases at Opa-locka Airport and to report back whether these issues could be resolved administratively or legislatively.*

*In response to Chairman Barriero's inquiry regarding whether the Miami-Dade Fire Department had allowed Mr. Leonard Abess to use the second floor of his facility, Mr. Abess said that the first floor was 100 percent rented; however, his company was not allowed to use the second floor, where they would have immediately relocated their corporate offices. He noted tremendous progress had occurred within the last four years at Opa-locka Airport and his company wanted to attract tenants to the Airport.*

*Chairman Barreiro asked Deputy Mayor/County Manager Alina Hudak to meet with Miami-Dade Fire Department representatives to discuss Mr. Abess's inability to use the second floor of his facility at Opa-locka Airport due to the walls required by the fire department.*

1E2

**112594 Discussion Item****Xavier L. Suarez****DISCUSSION RE: WORKING CONDITIONS FOR MIAMI-  
DADE TAXICAB DRIVERS*****Presented***

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing discussion item into the record.*

*Commissioner Suarez referenced a letter dated January 5, 2012, from State Representative Daphne Campbell regarding taxicab drivers working conditions, including uninsured drivers; credit card surcharges; minimum two-year leases beginning January 2012 and sub-leases; costly administrative hearings; and the ability for taxi drivers to own their own taxicabs.*

*Commissioner Suarez asked County Administration and the County Attorney's Office to respond to the issues outlined in Representative Campbell's letter.*

*Former County Commissioner Jimmy Morales, 150 West Flagler, said he had been working with Representative Campbell's office on legislation allowing credit card surcharges to be passed on to customers; however, was unaware of any other issues being addressed by Representative Campbell.*

**1F      PUBLIC HEARING****2      COUNTY COMMISSION**

2A

**112666 Resolution****Bruno A. Barreiro**

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION, THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, AND THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR THE INTERGOVERNMENTAL COORDINATION AND REVIEW (ICAR) PURSUANT TO FLORIDA STATUTE 339.175 AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAID AGREEMENT

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Heyman*

*Vote: 5-0*

*Absent: Moss*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, Committee members proceeded to vote on the foregoing resolution as presented.*

**3 DEPARTMENTS**

3A

**112557 Resolution****Lynda Bell**

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY IN ORDER THAT THE TOWN OF CUTLER BAY MAY RECEIVE ITS PRO-RATA SHARE OF SURTAX REVENUE OUT OF THE COUNTY'S 80% SHARE OF THE CHARTER COUNTY TRANSPORTATION SALES SURTAX FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY AND TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN (Citizens' Independent Transportation Trust)

*Forwarded to BCC with a favorable recommendation*

*Mover: Heyman*

*Seconder: Edmonson*

*Vote: 5-0*

*Absent: Moss*

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

*Chairman Barreiro recognized Mayor Ed MacDougall, Town of Cutler Bay.*

*Mayor Ed MacDougall appeared in support of this proposed resolution.*

*Hearing no further comments or questions, Committee members proceeded to vote on the foregoing resolution as presented.*

3B

**120034 Resolution****Bruno A. Barreiro**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND AUTHORIZING THE COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE, OR MDT DIRECTOR TO EXERCISE THE PROVISIONS CONTAINED THEREIN (Miami-Dade Transit)

**3-Day Rule Invoked**

**Report:** *Commissioner Edmonson requested the 3-day rule be invoked on the foregoing proposed resolution.*

**4 COUNTY ATTORNEY****5 CLERK OF THE BOARD**

**6      REPORTS**

6A

**112705 Report****REPORT ON MIAMI INTERNATIONAL AIRPORT  
CENTRAL TERMINAL CONCESSION (Mayor)****Report Received**

**Report:** *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

*Chairman Barreiro commented on the Aviation Department's plan to issue a Request for Proposal (RFP) for concession contracts in the Central Terminal. He suggested that a workshop be held to determine the type of investments and terms before an RFP was issued.*

*Mr. Miguel Southwell, Deputy Director, Aviation Department, said an industry meeting would be held to receive input before an RFP was issued, and the RFP would be modified based on comments received at that meeting. He asked whether Chairman Barreiro wanted the RFP to be brought to the County Commission for approval.*

*Chairman Barreiro asked that discussion on the Central Terminal be held at the Committee level before the RFP was issued.*

*Commissioner Edmonson concurred with holding a workshop before the RFP was completed, noting she had concerns regarding local vendors.*

*Commissioner Moss recommended the workshop be held at the Airport and also a tour of the Central Terminal.*

*Commissioner Moss asked the Aviation Department Director to submit a report for Committee review on the status of the Airport City project. He also asked the Director to ensure that Disadvantaged Business Enterprises were included in all Airport projects.*

*Commissioner Heyman suggested the workshop be held on a Monday morning to facilitate attendance and input.*

*In response to Commissioner Heyman's inquiry, Aviation Director Jose Abreu noted the RFP could be delayed for one month. He suggested the Committee consider the Central Terminal as part of the Airport's overall Development Master Plan.*

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*Chairman Barreiro noted he would schedule a workshop at the Airport.*

*Deputy Mayor/County Manager Alina Hudak pointed out the current Central Terminal Concession contracts would expire on January 20, 2013.*

6B

**112692 Report**

MONTHLY REPORT FROM THE FLORIDA  
DEPARTMENT OF TRANSPORTATION ON THE MIAMI  
INTERMODAL CENTER

**Report Received**

(Mayor)

**120244 Report**

NON-AGENDA ITEM

**Report:** *Chairman Barreiro asked Deputy Mayor/County Manager Alina Hudak to provide him with a status report on unsolicited proposals regarding mast arms for countywide traffic control systems.*

**7 ADJOURNMENT**

**Report:** *There being no further business, the Regional Transportation Committee was adjourned at 11:22 a.m.*